

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4883 of 1999

to

FIRST APPEAL No 4886 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

JAGDISHCHANDRA CHANDRAMUKHRAM BHATTJI

Appearance:

MR KG SHETH, Ld. AGP for Appellant

MR AJ PATEL for Ms.SHITAL R PATEL for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

and

MR.JUSTICE C.K.BUCH

Date of decision: 08/03/2000

ORAL JUDGEMENT [Per: Kadri, J.]

1. Admitted. Mr.A.J.Patel, learned Counsel, waives service of notice on behalf of respondents in each appeal. By consent of the learned counsel appearing for the parties, all these appeals are taken up for final hearing today.

2. Appellants have filed these appeals under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to be as 'the Act') read with Section 96 of the Code of Civil Procedure, 1908, against common judgment and award dated February 22, 1999, rendered by the learned Joint District Judge, Panchmahals at Godhra, in Land Reference Cases Nos.532/86 to 535/86, by which the Reference Court awarded compensation of the acquired lands of the respondents situated at Village Duniya, Tal.Halol, Dist. Panchmahals, at the rate of Rs.2.22 per sq.mt. i.e. Rs.22,240/- per hectare.

3. The agriculture lands of village Duniya came to be acquired by the State Government for the public purpose for expansion of Industrial Estate of Halol GIDC, by publication of the notification on 9.9.1976 under Section 4(1) of the Act. After following the usual procedure, the Land Acquisition Officer made his award and offered compensation of the acquired lands at the rate of Rs.6,000/- per Acre. The respondents filed written applications under Section 18 of the Act, requiring the Land Acquisition Officer to refer their applications for the determination of the market value of the lands in question to the District Court, Panchmahals at Godhra. The said applications were referred to the District Court, wherein it came to be numbered as Land Acquisition Reference No.532/86 to 535/86. The claimants before the Reference Court examined witness Rajnishchandra Chandrmukhram Bhattji at Exh.64. The said witness described the situation and fertility of the acquired lands. The claimants also examined witness Mohamadbhai Ismailbhai Deloliya at Exh.110, who during his examination produced sale deed at Exh.111, which came to be executed on August 4, 1976. The lands of sale deed Exh.111 were situated at a distance of 1 1/2(one and half) k.m. from the acquired lands and the said land was sold in the year 1976 at the rate of Rs.3.20 per sq.mt. The Reference Court, by relying on the sale deed Exh.111, for the determination of the market value of the acquired lands, had awarded just and adequate compensation to the claimants at the rate of Rs.2.22 per sq.mt., which is challenged by the appellants in these appeals.

4. We have heard Mr.K.G.Sheth, learned AGP for the appellants and Mr.A.J.Patel, learned advocate for the respondents. During the course of hearing, Mr.Patel has supplied relevant copies of the evidence and the sale deed Exh.111.

5. Having gone through the evidence produced by the learned counsel for the respective parties, we are satisfied that the Reference Court had not committed any error in placing reliance on sale deed Exh.111 for the determination of the market value of the acquired lands. The lands of sale deed Exh.111 were in all respects comparable with the acquired lands and the Reference Court was justified in placing reliance on the sale deed Exh.111. The contentions raised by learned counsel for the appellants that higher compensation is awarded, is devoid of any merits. In our opinion, a just compensation is awarded to the claimants for their acquired lands. It may be stated that the Village Duniya is adjacent to village Kanjari, wherein the acquired lands of the said village the determination of the market value fixed at the rate of Rs.11.00/- was confirmed upto the Supreme Court. Development had taken place in the surrounding villages of village Duniya and the prices of the land had gone high because of the vast acquisition of the lands for Narmada Project and for the expansion of industrial area for GIDC. The Reference Court has correctly appreciated the evidence of the case and applied principles which have been enunciated by the Supreme Court from time to time to the facts of the case. Under the circumstances, we are of the opinion that no ground is made out by learned counsel for the appellants to interfere with the impugned award in these appeal.

6. For the foregoing discussion, we do not find any merit in these appeals. Hence, the appeals fail and are dismissed with no order as to costs.

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